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U.S. Department of Justice  
Office of the United States Trustee  
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By: Mark Bruh  
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**Objection Deadline: July 26, 2022**  
**Time: 12:00 p.m.**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re: : Chapter 11  
: :  
BUYK CORP., : Case No. 22-10328 (MEW)  
: :  
Debtor. :  
-----X

**LIMITED OBJECTION OF THE UNITED STATES TRUSTEE TO DEBTOR'S  
APPLICATION FOR AN ORDER (I) ESTABLISHING BAR DATES FOR (A) FILING  
GENERAL PROOFS OF CLAIM, (B) FILING ADMINISTRATIVE EXPENSE PROOFS  
OF CLAIM FOR CLAIMS UNDER SECTION 503(b)(9) AND FOR ADMINISTRATIVE  
RENT FOR REJECTED LEASES UNDER SECTION 365(d)(3); (C) FILING PROOFS  
OF CLAIM BY GOVERNMENTAL UNITS; AND (D) SUBMITTING TO DEBTOR  
PACA / PASA PROOFS OF CLAIM; AND (II) APPROVING THE FORM AND  
MANNER OF NOTICE THEREOF**

TO: THE HONORABLE MICHAEL E. WILES,  
UNITED STATES BANKRUPTCY JUDGE:

William K. Harrington, the United States Trustee for Region 2 (the "United States Trustee"), hereby submits this limited objection to the Debtor's application for an order (i) establishing bar dates for (a) filing general proofs of claim, (b) filing administrative expense proofs of claim for claims under section 503(b)(9) and for administrative rent for rejected leases under section 365(d)(3); (c) filing proofs of claim by governmental units; and (d) submitting to Debtor PACA/ PASA proofs of claim; and (ii) approving the form and manner of notice thereof (the "Bar Date Application"). ECF No. 296. In support thereof, the United States Trustee respectfully states:

## LIMITED OBJECTION

Through the Bar Date Application, the Debtor seeks to fix the time within which various proofs of claim may be filed. The United States Trustee has no objection to the Debtor's various bar dates in this case; however, under the circumstances herein, the United States Trustee requests that the Court direct the Debtor to publish notice of the bar dates in the appropriate publications.<sup>1</sup>

First, pursuant to Local Bankruptcy Rule 3003-1 of the Southern District of New York, a request for an order establishing a deadline for filing proofs of claim in a chapter 11 case must conform to the Procedural Guidelines for Filing Requests for Order to Set the Last Date for Filing Proofs of Claim (the "Guidelines"). While the Guidelines do not take any position as to whether publication notice of the bar date is required, the Debtor should state more than that it does not believe publication of the proposed Bar Date Notice is warranted. *See* Bar Date Application at ¶ 25.

Second, given the below disclaimers contained in the Debtor's "Global Notes,"<sup>2</sup> which were filed in conjunction with the Debtor's Schedules and Statement of Financial Affairs, it is incumbent upon the Debtor to publish notice of the bar dates.

On pages 1 and 2 of the "Global Notes," the Debtor states the following:

In preparing the Schedules and Statements, the Debtor relied upon information derived from its books and records that was available at the time of such preparation. ***Although the Debtor has made reasonable efforts to ensure the accuracy and completeness of such financial information, inadvertent errors or omissions, as well as the discovery of conflicting, revised, or subsequent information, may cause a material change to the Schedules and Statements.*** (emphasis added).

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<sup>1</sup> The United States Trustee requested that the Debtor inform the Court that the United States Trustee has no objection to the Bar Date Application, provided that the Debtor publish notice of the bar dates. To date, the United States Trustee has not seen such correspondence from the Debtor to the Court.

<sup>2</sup> The United States Trustee intends to object to the "Global Notes" unless a resolution is reached with the Debtor.

***The Debtor and its officers, employees, agents, attorneys and financial advisors do not guarantee or warrant the accuracy or completeness of the data that is provided in the Schedules and Statements and shall not be liable for any loss or injury arising out of or caused in whole or in part by the acts, omissions, whether negligent or otherwise, in procuring, compiling, collecting, interpreting, reporting, communicating or delivering the information contained in the Schedules and Statements. (emphasis added).***

See ECF Nos. 132 and 133 at pp. 1-2.

The Debtor does not guarantee or warrant the accuracy or completeness of the data that is provided in the Schedules; thus, rendering the Debtor's Schedules as essentially worthless.

There may be unknown creditors with various claims against the Debtor.

WHEREFORE, the United States Trustee respectfully requests that the Court direct the Debtor to publish notice of the bar dates, and grant such other relief as the Court deems fair and just.

Dated: New York, New York  
July 25, 2022

Respectfully submitted,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE, Region 2

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